

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANGELA C. CADY,)	
)	
Petitioner,)	2:11-cv-01561-JCM-VCF
)	
vs.)	ORDER
)	
STATE OF NEVADA, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

Before the court is petitioner's motion for district judge to reconsider order denying her motion for appointment of counsel (ECF #9).

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970).

The court notes that the motion for reconsideration is not appropriate at this time because a party may only challenge a final judgment or order in such a motion, and the underlying motion for

1 counsel was denied without prejudice. *See* Federal Rules of Civil Procedure 59(e) and 60(b). Even if
2 the court exercised its discretion to construe the motion for reconsideration as a renewed motion for
3 counsel, the petition in this action appears sufficiently clear in presenting the issues that petitioner wishes
4 to raise, and petitioner has not raised any new issues in her motion for reconsideration. Petitioner notes
5 that she had the assistance of another inmate in filing her petition; however, she does not allege that she
6 now has no access to any assistance. Counsel is not justified in this action.

7 **IT IS THEREFORE ORDERED** that petitioner's motion for district judge to reconsider
8 order (ECF #9) is **DENIED**.

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10 Dated, this 28 day of November, 2011.

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13 UNITED STATES DISTRICT JUDGE
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